

**ORDINANCE \_\_\_\_\_**

AN ORDINANCE relating to land use and zoning; amending Seattle Municipal Code Sections 23.41.004, 23.76.004, 23.76.006, 23.76.011, 23.76.012, 23.76.026 and 23.76.040; and adding a new Section 23.41.018 establishing a new administrative design review program to apply to townhouse development and making various improvements to formatting.

WHEREAS, the City's Design Review Program was initiated in 1994 and applies to multifamily and commercial development at various thresholds in downtown, commercial, and multifamily zones; and

WHEREAS, townhouse development has occurred in substantial numbers since 1994 and generally does not exceed the threshold for design review; and

WHEREAS, the design of some townhouses has not been compatible with the character of existing neighborhoods; and

WHEREAS, the City's Comprehensive Plan contains goals and policies to promote well-designed multifamily development that is compatible with existing neighborhoods; and

WHEREAS, a new administrative design review process has been developed to improve the design of townhouses, implement the Comprehensive Plan, and protect the public's health, safety and welfare; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Section 23.41.004 of the Seattle Municipal Code, which section was last amended by Ordinance 123034, is amended as follows:

**23.41.004 Applicability((:))**

**A. Design Review Required.**

1. Design review is required for any new multifamily or commercial development proposal that exceeds one of the following thresholds:

Zone		Threshold
a.	Lowrise (L3, L4)	8 dwelling units
b.	Midrise (MR)	20 dwelling units
c.	Highrise (HR)	20 dwelling units
d.	Neighborhood Commercial (NC1, 2, 3)	4 dwelling units or 4,000 square feet of nonresidential gross floor area
e.	Commercial (C1, C2)	4 dwelling units or 12,000 square feet of nonresidential gross floor area, when located in an urban center or urban village <sup>1</sup> , or on a lot that abuts or is across a street or alley from a lot zoned single family, or located in the area bounded by: NE 95th St, NE 145th St, 15th Ave. NE and Lake Washington.
f.	Seattle Mixed (SM)	20 units or 12,000 square feet of nonresidential gross floor area
g.	Industrial Commercial (IC) zone within the South Lake Union Urban Center	12,000 square feet of nonresidential gross floor area <sup>1</sup> Urban centers and urban villages are identified in the Seattle Comprehensive Plan.

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2. Design review is required for all new Major Institution development proposals that exceed thresholds in the zones listed in subsection 23.41.004.A.1 ((A1 of this section)) unless the structure is located within a Major Institution Overlay (MIO) district.

3. Design review is required for all new development proposals located in the following Downtown zones and that equal or exceed any of the following thresholds:

#### DOC 1, DOC 2 or DMC Zones

Use	Threshold
Nonresidential	50,000 square feet of gross floor area
Residential	20 dwelling units

## **DRC, DMR, DH1 or DH2**

<b>Use</b>	<b>Threshold</b>
Nonresidential	20,000 square feet of gross floor area
Residential	20 dwelling units

4. Design review is required for all new development proposals exceeding ~~((one hundred and twenty (120)))~~ 120 feet in width on any single street frontage in the Stadium Transition Area Overlay District as shown in ~~((Exhibit 23.41.006 A))~~ Map A for 23.41.006.

5. Administrative Design Review to Protect Trees. As provided in Sections 25.11.070 and 25.11.080, administrative design review (Section 23.41.016) is required for new multifamily and commercial development proposals in Lowrise, Midrise, and commercial zones when an exceptional tree, as defined in Section 25.11.020, is located on the site, if design review would not otherwise be required by ~~((this subsection A))~~ subsection 23.41.004.A.

6. New multifamily or commercial development proposals in the zones listed in ~~((subsection A1 of this section))~~ subsection 23.41.004.A.1, that are subject to SEPA solely as a result of the provisions of Section 25.05.908, Environmentally Critical Areas, are exempt from design review except as set forth in ~~((subsection A5 of this section))~~ subsection 23.41.004.A.5.

7. Administrative design review pursuant to Section 23.41.018 is required for all new development proposals that include at least three dwelling units, at least one of which is a townhouse, and for which design review is not otherwise required by subsection 23.41.004.A.

### **B. Design Review -- Optional.**

1. Design review is optional to any applicant for new multifamily, commercial or Major Institution development proposals not otherwise subject to this chapter, in the Stadium Transition Area Overlay District and in all multifamily, commercial or downtown zones.

2. An administrative design review process is an option to an applicant for new multifamily or commercial development proposals, or as provided in ~~((subsection B3 below))~~ subsection 23.41.004.B.3, in the Stadium Transition Area Overlay District and in multifamily, commercial or downtown zones, according to the process described in Section 23.41.016.

3. Administrative Design Review to Protect Trees. As provided in Sections 25.11.070 and 25.11.080, an administrative design review process (Section 23.41.016) is an option to an applicant for new multifamily and commercial development proposals in Lowrise, Midrise, and Commercial zones to protect a tree over ~~((two (2)))~~ 2 feet in diameter measured ~~((four and one-half (4 1/2)))~~ 4.5 feet above the ground, even when design review would not otherwise be required by subsection 23.41.001.A~~((, above))~~.

C. Exemptions. The following structures are exempt from design review:

1. New structures located in special review districts, regulated by Chapter 23.66; design review is not available for an applicant applying for additional building height under the provisions of Section 23.49.180;

2. New structures in Landmark districts regulated by SMC Title 25, Environmental Protection and Historic Preservation;

3. New structures that are within the historic character area of the Downtown Harborfront 1 zone regulated by Section 23.60.704, or that are otherwise required to undergo shoreline design review pursuant to Chapter 23.60;

4. New monorail transit facilities that have been subject to review by the Seattle Design Commission; and

5. New light rail transit facilities that have been subject to review by the Seattle Design Commission.

Section 2. A new Section 23.41.018 of the Seattle Municipal Code is adopted to read as follows:

**23.41.018 Streamlined administrative design review process**

A. A preapplication conference is required for all development proposals subject to Section 23.41.018 unless waived by the Director, pursuant to Section 23.76.008.

B. Following a preapplication conference, a project proponent may apply to begin the design guidance process.

1. Application for design guidance shall include the following:

a. An initial site analysis addressing site opportunities and constraints, adjacent buildings, and the zoning of the site and adjacent properties; and

b. A drawing of existing site conditions, indicating topography of the site and location of structures and prominent landscape elements on the site (including but not limited to all trees 6 inches or greater in diameter measured 4.5 feet above the ground, with species indicated) if any; and

c. A preliminary design concept illustrating a site plan proposal including structures, open spaces, vehicle and pedestrian accesses and landscaping, and responses to applicable citywide and neighborhood design review guidelines; and

d. One or more color renderings adequate to depict the overall massing and the design concept.

2. Notice of application for design guidance shall be provided pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

3. The purpose of design guidance shall be to receive comments from the public, identify concerns about the site and design concept, identify citywide design guidelines of highest priority to the site, explore conceptual design or siting alternatives, and identify and document proposed development standard departures as provided in Section 23.41.012. As a result of the design guidance process, the Director shall prepare a report, which may take the form of notes marked on the design guidance application documents or a brief written document. The report shall identify those guidelines of highest priority and applicability, document any design features needed to achieve consistency with the design guidelines, and any development standard departures sought as provided in Section 23.41.012.

4. The Director shall distribute a copy of the report to the proponent and provide access to the report on the Design Review Program page of the Department of Planning and Development website and on file in the department.

#### C. Application for Master Use Permit.

1. After issuance of a design guidance report, the proponent may apply for a Master Use Permit (MUP).

2. The MUP application shall include a brief explanation of how the proposal addresses the design guidance report, in addition to standard MUP submittal information required by Section 23.76.010. The MUP application may include development standard departures that were identified as potential in the design guidance report.

1                   3. Notice of application for a development subject to design review shall be  
2 provided according to Chapter 23.76, Procedures for Master Use Permits and Council Land Use  
3 Decisions.

4                   D. Director's Decision.

5                   1. A decision on the project shall be made by the Director as part of the overall  
6 Master Use Permit decision for the project.

7                   2. The Director's decision shall be based on the extent to which the application  
8 meets applicable design guidelines and responds to the design guidance report and in  
9 consideration of public comments on the proposed project.

10                  3. Except as provided in subsections 23.41.018.D.3.a through .c, projects must  
11 meet all codes and regulatory requirements applicable to the subject site.

12                  a. The Director may allow development standard departures that were  
13 identified in the design guidance report and that are otherwise authorized pursuant to Section  
14 23.41.012.

15                  b. The Director may allow the adjustments listed in subsection  
16 23.41.018.D.3.c if the adjustments are consistent with the design guidance report and the  
17 adjustments:

18                               1) would result in a development that better meets the intent of  
19 adopted design guidelines; or

20                               2) are necessary to respond to environmental or site configuration  
21 conditions, including but not limited to topography, the location of trees, or adjacent uses and  
22 structures.

c. If the criteria listed in subsection 23.41.018.D.3.b are met, the Director may allow adjustments to the following development standards to the extent listed for each standard:

- 1) Setbacks: 50 percent;
- 2) Residential amenity areas: 10 percent;
- 3) Landscaping and screening: 25 percent;
- 4) Structure width and structure depth limits: 10 percent;
- 5) Lot coverage limits: 10 percent;
- 6) Façade openings pursuant to subsection 23.45.530.C: 25 percent;
- 7) Parking garage entrance area limits pursuant to subsection 23.45.530.F.2: 25 percent;
- 8) Limit on number of parking spaces in a surface parking lot pursuant to subsection 23.45.530.G.1: two spaces; and
- 9) Required width of landscape area separating surface parking lots pursuant to subsection 23.45.530.G.2: 25 percent.

E. Notice of Decision. Notice of the Director's decision shall be provided pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

F. Appeals. Appeal procedures for design review decisions are described in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

Section 3. Subsection A and Table A for Section 23.76.004 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended as follows:



**23.76.004 Land use decision framework((5))**

A. Land use decisions are classified into five ((5)) categories based on the amount of discretion and level of impact associated with each decision. Procedures for the five ((5)) different categories are distinguished according to who makes the decision, the type and amount of public notice required, and whether appeal opportunities are provided. Land use decisions are categorized by type in Exhibit A Table A for 23.76.004.

**~~((Exhibit 23.76.004 A))~~ Table A for 23.76.004**

**LAND USE DECISION FRAMEWORK**  
**DIRECTOR'S AND HEARING EXAMINER'S**  
**DECISIONS REQUIRING MASTER USE PERMITS**

<b>TYPE I</b>  <b>Director's Decision (No Administrative Appeal)</b>	<b>TYPE II</b>  <b>Director's Decision (Appealable to Hearing Examiner*)</b>	<b>TYPE III</b>  <b>HEARING Examiner's Decision (No Administrative Appeal)</b>
<ul style="list-style-type: none"> <li>• Compliance with development standards</li> <li>• Uses permitted outright</li> <li>• Temporary uses, four weeks or less</li> <li>• Intermittent uses</li> <li>• Certain street uses.</li> <li>• Lot boundary adjustments</li> <li>• Modifications of features bonused under Title 24</li> <li>• Determinations of significance (EIS required) except for determinations of</li> <li>• significance based solely on historic and cultural</li> </ul>	<ul style="list-style-type: none"> <li>• Temporary uses, more than four weeks, except for temporary relocation of police and fire stations</li> <li>• Variances</li> <li>• Administrative conditional uses</li> <li>• Shoreline decisions (*Appealable to Shorelines Hearings Board along with all related environmental appeals)</li> <li>• Short subdivisions</li> <li>• Special Exceptions</li> <li>• Design review, <u>except for</u></li> </ul>	Subdivisions (preliminary plats)

<b>TYPE I</b>  <b>Director's Decision (No Administrative Appeal)</b>	<b>TYPE II</b>  <b>Director's Decision (Appealable to Hearing Examiner*)</b>	<b>TYPE III</b>  <b>HEARING Examiner's Decision (No Administrative Appeal)</b>
<p>preservation</p> <ul style="list-style-type: none"> <li>• Temporary uses for relocation of police and fire stations</li> <li>• Exemptions from right-of-way improvement requirements</li> <li>• Special accommodation</li> <li>• Reasonable accommodation</li> <li>• Minor amendment to a Major Phased Development Permit</li> <li>• Determination of public benefit for combined lot FAR</li> <li>• Determination of whether an amendment to a Property Use and Development Agreement is major or</li> </ul>	<p><u>projects subject to Section 23.41.018 and for which no development standard departure pursuant to Section 23.41.012 is requested</u></p> <ul style="list-style-type: none"> <li>• Light rail transit facilities</li> <li>• The following environmental determinations:               <ol style="list-style-type: none"> <li>1. Determination of nonsignificance (EIS not required)</li> <li>2. Determination of final EIS adequacy</li> <li>3. Determination of significance based solely on historic and cultural preservation</li> <li>4. A decision by the</li> </ol> </li> </ul>	

<b>TYPE I</b>  <b>Director's Decision (No Administrative Appeal)</b>	<b>TYPE II</b>  <b>Director's Decision (Appealable to Hearing Examiner*)</b>	<b>TYPE III</b>  <b>HEARING Examiner's Decision (No Administrative Appeal)</b>
minor  • <u>Projects subject to Section 23.41.018 and for which no development standard departure pursuant to Section 23.41.012 is requested</u>  • Other Type I decisions that are identified as such in the Land Use Code	Director to approve, condition or deny a project based on SEPA Policies  5. A decision by the Director that a project is consistent with a Planned Action Ordinance and EIS (no threshold determination or EIS required)  • Major Phased Development  • Downtown Planned Community Developments	

\* \* \*

Section 4. Section 23.76.006 of the Seattle Municipal Code, which section was last amended by Ordinance 122824, is amended as follows:

**23.76.006 Master Use Permits required((,))**

1           A. Type I, II and III decisions are components of Master Use Permits. Master Use  
2 Permits are required for all projects requiring one or more of these decisions.

3           B. The following decisions are Type I:

4                 1. Determination that a proposal complies with development standards;

5                 2. Establishment or change of use for uses permitted outright, temporary uses for  
6 four weeks or less not otherwise permitted in the zone, and temporary relocation of police and  
7 fire stations for 24 months or less;

8                 3. The following street use approvals associated with a development proposal:

9                         a. Curb cut for access to parking,

10                        b. Concept approval of street improvements, such as additional on-street  
11 parking, street landscaping, curbs and gutters, street drainage, sidewalks, and paving,

12                        c. Structural building overhangs,

13                        d. Areaways;

14                 4. Lot boundary adjustments;

15                 5. Modification of the following features bonused under Title 24:

16                         a. Plazas,

17                         b. Shopping plazas,

18                         c. Arcades,

19                         d. Shopping arcades,

20                         e. Voluntary building setbacks;

21                 6. Determinations of Significance (determination that an environmental impact  
22 statement is required) for Master Use Permits and for building, demolition, grading and other  
23  
24  
25  
26  
27  
28

1 construction permits (supplemental procedures for environmental review are established in  
2 Chapter 25.05, Environmental Policies and Procedures), except for Determinations of  
3 Significance based solely on historic and cultural preservation;

4 7. Discretionary exceptions for certain business signs authorized by Section  
5 23.55.042.D;

6 8. Waiver or modification of required right-of-way improvements;

7 9. Special accommodation pursuant to Section 23.44.015;

8 10. Reasonable accommodation;

9 11. Minor amendment to Major Phased Development Permit;

10 12. Determination of public benefit for combined lot development;

11 13. Projects subject to design review pursuant to Section 23.41.018 for which no  
12 development standard departure pursuant to Section 23.41.012 is requested;  
13

14 ((13)) 14. Other Type I decisions that are identified as such in the Land Use Code.  
15

16 C. The following are Type II decisions:

17 1. The following procedural environmental decisions for Master Use Permits and  
18 for building, demolition, grading and other construction permits are subject to appeal to the  
19 Hearing Examiner and are not subject to further appeal to the City Council (supplemental  
20 procedures for environmental review are established in SMC Chapter 25.05, Environmental  
21 Policies and Procedures):  
22

23 a. Determinations of Nonsignificance (DNSs), including mitigated DNSs;

24 b. Determination that a final environmental impact statement (EIS) is  
25 adequate; and  
26

1 c. Determination of Significance based solely on historic and cultural  
2 preservation.

3 2. The following decisions, including any integrated decisions to approve,  
4 condition or deny based on SEPA policies, are subject to appeal to the Hearing Examiner (except  
5 shoreline decisions and related environmental determinations which are appealable to the  
6 Shorelines Hearings Board):

7 a. Establishment or change of use for temporary uses more than four  
8 weeks not otherwise permitted in the zone or not meeting development standards, including the  
9 establishment of temporary uses and facilities to construct a light rail transit system for so long  
10 as is necessary to construct the system as provided in Section 23.42.040.E, but excepting  
11 temporary relocation of police and fire stations for 24 months or less;

12 b. Short subdivisions;

13 c. Variances; provided that, variances sought as part of a Type IV decision  
14 may be granted by the Council pursuant to Section 23.76.036;

15 d. Special exceptions; provided that, special exceptions sought as part of a  
16 Type IV decision may be granted by the Council pursuant to Section 23.76.036;

17 e. Design review, except for projects subject to design review pursuant to  
18 Section 23.41.018 and for which no development standard departure pursuant to Section  
19 23.41.012 is requested;

20 f. Administrative conditional uses; provided that, administrative  
21 conditional uses sought as part of a Type IV decision may be approved by the Council pursuant  
22 to Section 23.76.036;

g. The following shoreline decisions (supplemental procedures for shoreline decisions are established in Chapter 23.60):

((e))1) Shoreline substantial development permits,

((e))2) Shoreline variances,

((e))3) Shoreline conditional uses;

h. Major Phased Development;

i. Determination of project consistency with a planned action ordinance and EIS;

j. Establishment of light rail transit facilities necessary to operate and maintain a light rail transit system, in accordance with the provisions of Section 23.80.004;

k. Establishment of monorail transit facilities necessary to operate and maintain a monorail transit system, in accordance with the provisions of Section 23.80.004 and Section 15.54.020; and

l. Downtown planned community developments.

D. The following decision, including any integrated decision to approve, condition or deny based on SEPA policies, is a Type III decision made by the Hearing Examiner: subdivisions (preliminary plats).

Section 5. Section 23.76.011 of the Seattle Municipal Code, which section was last amended by Ordinance 122054, is amended as follows:

**23.76.011 Notice of ((early)) design guidance and planned community development process((r))**



1 A. The Director shall provide the following notice for the required early design guidance  
2 process or design guidance process for design review projects subject to Sections 23.41.014,  
3 23.41.016, or 23.41.018, and for the preparation of priorities for planned community  
4 developments:

- 5 1. Publication of notice in the Land Use Information Bulletin; and
- 6 2. Mailed notice; and

7  
8 B. The applicant shall post one land use sign visible to the public at each street frontage  
9 abutting the site except, when there is no street frontage or the site abuts an unimproved street,  
10 the Director shall require either more than one sign and/or an alternative posting location so that  
11 notice is clearly visible to the public.

12  
13 C. For the required meeting for the preparation of priorities for a planned community  
14 development, and for a public meeting required for early design guidance, the time, date,  
15 location and purpose of the meeting shall be included with the mailed notice.

16 D. The land use sign may be removed by the applicant the day after the public meeting.

17 Section 6. Subsection B of section 23.76.012 of the Seattle Municipal Code, which  
18 section was last amended by Ordinance 121477, is amended as follows:

19  
20 **SMC 23.76.012 Notice of application((+))**

21 \*\*\*

22 **B. Types of Notice Required.**

23 1. For projects subject to environmental review, or design review pursuant to  
24 Section 23.41.014 ~~((except administrative design review))~~, the department shall direct the  
25 installation of an environmental review sign on the site, unless an exemption or alternative  
26  
27  
28

posting as set forth in ~~((this))~~ subsection 23.76.012.B is applicable. The environmental review sign shall be located so as to be clearly visible from the adjacent street or sidewalk, and shall be removed at the direction of the department after final City action on the application has been completed.

a. In the case of submerged land, the environmental review sign shall be posted on adjacent dry land, if any, owned or controlled by the applicant. If there is no adjacent dry land owned or controlled by the applicant, notice shall be provided according to ~~((subsection B1e))~~ subsection 23.76.012.B.1.c.

b. Projects limited to interior remodeling, or which are subject to environmental review only because of location over water or location in an environmentally critical area, are exempt from the environmental review sign requirement.

c. When use of an environmental review sign is neither feasible nor practicable to assure that notice is clearly visible to the public, the Director shall post ten ~~((10))~~ placards within ~~((three hundred (300)))~~ 300 feet of the site and at the closest street intersections when one ~~((1))~~ or more of the following conditions exist:

~~((1))~~1) The project site is over ~~((five (5)))~~ 5 acres;

~~((2))~~2) The applicant is not the property owner, and the property owner does not consent to the proposal;

~~((3))~~3) The site is subject to physical characteristics such as steep slopes or is located such that the environmental review sign would not be highly visible to neighboring residents and property owners or interested citizens.

1 d. The Director may require both an environmental review sign and the  
2 alternative posting measures described in subsection ((B1e)) 23.41.012.B.1.c, or may require that  
3 more than one ((4)) environmental review sign be posted, when necessary to assure that notice  
4 is clearly visible to the public.

5 2. For projects that are categorically exempt from environmental review, the  
6 department shall post one ((4)) land use sign visible to the public at each street frontage  
7 abutting the site except, when there is no street frontage or the site abuts an unimproved street,  
8 the Director may post more than one ((4)) sign and/or an alternative posting location so that  
9 notice is clearly visible to the public. The land use sign may be removed by the applicant within  
10 ((fourteen (14))) 14 days after final action on the application has been completed.

11 3. For all projects requiring notice of application, the Director shall provide notice  
12 in the Land Use Information Bulletin. For projects subject to the environmental review, notice in  
13 the Land Use Information Bulletin shall be published after installation of the environmental  
14 review sign.

15 4. In addition, for variances, administrative conditional uses, temporary uses for  
16 more than four ((4)) weeks, shoreline variances, shoreline conditional uses, short plats, early  
17 design guidance process, School Use Advisory Committee (SUAC) formation and school  
18 development standard departure, the Director shall provide mailed notice.

19 5. Mailed notice of application for a project subject to design review ~~or~~  
20 ~~administrative design review~~, except projects subject to design review pursuant to Section  
21 23.41.018 and for which no development standard departure pursuant to Section 23.41.012 is  
22 requested, shall be provided to all persons establishing themselves as parties of record by

attending an early design guidance public meeting for the project or by corresponding with the Department about the proposed project before the date of publication.

6. Additional notice for subdivisions shall include mailed notice and publication in at least one ~~((+))~~ community newspaper in the area affected by the subdivision.

Section 7. Subsection C of Section 23.76.026 of the Seattle Municipal Code, which section was last amended by Ordinance 122611, is amended as follows:

**23.76.026 Vesting of development rights~~((+))~~**

\* \* \*

C. Design Review Component of Master Use Permits.

1. If a complete application for a Master Use Permit is filed prior to the date design review becomes required for that type of project, no design review component shall be required.

2. A complete application for a Master Use Permit that includes a design review component shall be considered under the Land Use Code and other land use control ordinances in effect on the date a complete application for the ~~((design review))~~ early design guidance process or design guidance process is submitted to the Director, provided that such Master Use Permit application is filed within ~~((ninety (90)))~~ 90 days of the date of the early design guidance public meeting.

\* \* \*

Section 8. Subsection B of Section 23.76.040 of the Seattle Municipal Code, which section was last amended by Ordinance 122497, is amended as follows:

**23.76.040 Applications for Council land use decisions~~((+))~~**

\* \* \*

B. All applications for Council land use decisions shall be made to the Director on a form provided by the Department. The Director shall:

1. for Council land use decisions that do not include a design review component and are not applications for Major Institution Master Plans, transmit notice of the application to the City Clerk for filing with the City Council promptly after the application is first submitted.

2. for Council land use decisions that include a design review component:

a. For applications subject to design review by the Design Review Board, transmit notice of the early design guidance public meeting to the City Clerk for filing with the City Council promptly at the same time public notice is provided.

b. For applications subject to Sections 23.41.016 or 23.41.018 (~~administrative design review~~), transmit notice of the application to the City Clerk for filing with the City Council promptly after the applicant applies to begin the early design guidance process or design guidance process.

3. for applications for Major Institution Master Plans, transmit the notice of intent to prepare a master plan to the City Clerk for filing with the City Council promptly after the notice of intent is received.

\* \* \*

Section 9. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provisions shall not affect the validity of any other provision.

Section 10. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2009, and  
signed by me in open session in authentication of its passage this  
\_\_\_\_ day of \_\_\_\_\_, 2009.

President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2009.

Gregory J. Nickels, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2009.

City Clerk

(Seal)